

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare within the meaning of Government Code (GC) section 11346.1. Further, GC section 11346.1(a)(2) requires the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency at least five working days prior to submitting the proposed emergency action to the Office of Administrative Law (OAL). After submission of the proposed emergency to OAL, interested persons are allowed five calendar days to submit comments on the proposed emergency regulations as set forth in GC section 11349.6. To determine the OAL five-day comment period, please refer to <http://www.oal.ca.gov/>.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted and the Governor signed Senate Bill (SB) 89 (Chapter 24, Statutes of 2017), which repeals the Statewide Fingerprint Imaging System (SFIS) and implements a new identity verification process in the California Work Opportunity and Responsibility to Kids (CalWORKs) program. The County Welfare Departments (CWD) must verify the identity of all adult applicants in person, with limited exceptions.
2. Delay in the implementation of these regulations would conflict with the statutory directive found in Section 58 of SB 89 that emergency regulations be adopted:
 - (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer Sections 10072.2, 10831, 11325.15, 11325.5, 11325.7, 11325.8, 11461.3, 11461.6, 13307, 13308, 18901.25, 18926.1, and 18926.2, and Article 3.7 (commencing with Section 11340) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, which are added by this act, and Section 8212 of the Education Code and Sections 10830, 11253.4, 11403, 11461.4, 11464, 11465, 13303, 13304, 13305, 16206, 16501.1, 16519.5, 16521.5, and 18926 of the Welfare and Institutions Code, which are amended by this act, through all-county letters or similar instructions until regulations are adopted.
 - (b) The department shall adopt emergency regulations implementing the sections specified in subdivision (a) no later than January 1, 2019. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of

regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

3. These emergency regulations will ensure that CWDs are providing current CalWORKs program benefits to eligible applicants as mandated by SB 89.
4. Therefore, to preserve the public peace, health, safety and general welfare of the State of California, these regulations are to be adopted on an emergency basis no later than January 1, 2019.

INFORMATIVE DIGEST

SB 89 repealed SFIS and required the California Department of Social Services (CDSS) to implement an automated, nonbiometric identity verification process. Effective July 1, 2018, CWDs are required to verify the identity of all adult applicants in person. With limited exceptions, all adult CalWORKs applicants must present a form of photo identification to complete the application and eligibility determination process. The new identity verification requirement applies even when a CalWORKs application interview is completed telephonically or through other electronic means. Section 10830 of the Welfare and Institutions Code (WIC), which implemented SFIS, has been removed, effective July 1, 2018.

These proposed regulations amend CalWORKs regulations to comply with SB 89 by repealing SFIS and requiring CWDs to verify the identity of all adult applicants in person.

In addition, the proposed regulations will make other technical, conforming changes, such as adding and renumbering sections and amending cross references as necessary.

CDSS considered other possible related regulations in this area and found that these are the only regulations dealing in this subject area (SFIS) and, therefore, CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 89, as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in no additional costs to local agencies.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 10604 of the WIC and SB 89 (Chapter 24, Section 58, Statutes of 2017). Section 10831 of the WIC is being referenced to make these regulations more specific.